

Department of Public Health
and Human Services

Section:
HOUSEHOLD COMPOSITION

FOOD STAMP PROGRAM

Subject:
Household Composition

Supersedes: FS 201-1 (04/01/07)

References: 7 CFR 273.1; 7 CFR 281.1(c)

GENERAL RULE -- The OPA Case Manager determines the required filing and assistance unit members based on the food stamp household's living situation.

FOOD STAMP HOUSEHOLDS

There are a number of living situations that determine the food stamp household composition.

1. An individual or family living alone or in a:

a. housing facility federally subsidized for the elderly;

NOTE: The individual does not have to be elderly. The requirement is to be a resident of federally subsidized housing for the elderly.

b. chemical dependency treatment center (FS 201-7);

c. licensed group home that serves no more than 16 residents receiving blind or disability benefits (FS 201-6);

NOTE: Blind or disability benefits as defined in FS 0-4.

d. shelter for battered individuals and children (FS 201-8); or,

e. public or private nonprofit shelter for homeless people.

NOTE: Residents of a shelter serving meals for the homeless are not considered residents of an institution as long as the shelter is a nonprofit agency.

Eligibility is not dependent on the shelter being approved by Food and Nutrition Service (FNS).

2. An individual or family living with others but purchases and prepares food separately.

3. A group of individuals living together and purchase and prepare food together.
4. An individual age 60 years old or older (and spouse) living with others may be a separate household if:
 - a. the individual (or couple) is unable to prepare meals because of a permanent disability (as defined by the Social Security Act) or a severe permanent disability not related to a disease; **AND**,
 - b. the individual (or couple) lives with others whose gross income does not exceed 165% of the poverty level for its household size (FS 001).

NOTE: The elderly/disabled individual's (and spouse) income is excluded when making the income determination.

Example: Elsie and her husband, Sam, live with a younger couple, Jane and Bill. Elsie and Sam are over age 60 and are permanently disabled **and** unable to prepare meals. Jane prepares all meals for Elsie and Sam. Jane and Bill's income is calculated off TEAMS and must be below 165% of the poverty level for a household of two (FS 001). If Jane and Bill's income is below 165% of the poverty level, Elsie and Sam may be a separate household.

INELIGIBLE HOUSEHOLDS

The following households are ineligible if:

1. Any required filing unit member is certified to receive commodities under the Food Distribution Program on Indian Reservations;
2. Any required filing unit member is on strike;

EXCEPTION: If the household was eligible for food stamp benefits the day prior to the strike and is otherwise eligible at the time of application, the household may be eligible for benefits. The benefit is not increased because of the decreased income of the striking member. Compare the striking member's income before the strike to the striker's current income. The

higher of the two incomes is countable income (FS 501-1).

3. All members are disqualified; or,
4. The household fails to meet financial or non-financial eligibility requirements.

EXCLUDED HOUSEHOLD MEMBERS

Individuals excluded from the filing unit; code 'OU' on FS SEPA screen.

1. Boarders paying an adequate amount (thrifty food plan) for their meals unless the household requests they be included in the assistance unit. Boarders' income and resources are countable when they are included in the assistance unit.

Boarder status cannot be granted to spouses or to parents and children under the age of 22 years residing in the same household (FS 201-4 and FS 503-1).

Boarder status cannot be granted to individuals under age 18 under the parental control of an adult household member.

2. Roomers are individuals who receive lodging but not meals for compensation from a household (FS 501-1 and FS 503-1).
3. Live-in attendants whether or not they purchase and prepare their food separately from the household they provide medical, housekeeping, childcare or similar personal services.

NOTE: Live-in attendants may receive benefits separately on their own case. There is the possibility the household who they provide services for receives benefits on one case, and the live-in attendant receives benefits on another case even though they **do not** purchase and prepare food separately.

4. Ineligible students (FS 201-5).
5. Other individual(s) or families living with the household but purchase and prepare food separately.
6. Individuals residing in an institution providing more than half of their meals each day as part of the institution's normal services. This includes students living on or off campus, who buy a meal ticket from the institution when the amount of purchased meal ticket equals more than half of their meals each day.

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It does not matter if the purchase of the meal ticket is required or by choice. If a student eats or purchases more than 50 percent of his/her meals on campus, he/she is considered a resident of an institution and therefore, not eligible for participation in the Food Stamp Program. The OPA Case Manager must discuss with the student the number of meals the student anticipates eating/purchasing on campus and determine whether or not the numbers of meals purchased exceeds 50 percent of three meals daily in any given month.

7. Foster children the household chooses not to include in the food stamp assistance unit (FS 201-3).
8. Individuals detained in federal, state or local penal correctional facilities or other detention institutions for the majority of the month.

NOTE: Individuals on house arrest or living in the home under probation or parole are eligible as long as they meet all financial and non-financial requirements.

MAJORITY OF THE MONTH

An individual is a household member when the individual is residing or is anticipated to reside in the household for the majority of the month.

EXCEPTION: Spouses are included in the household when the spouse is in the household for any part of the month.

REQUIRED HOUSEHOLD MEMBERS (FILING UNIT)

Individuals required to be included in the filing unit; code 'IN' on FS SEPA.

1. All household members who purchase and prepare food together unless specifically excluded based on policy on Pages 2 - 4 of this manual section.
2. The following must be **CONSIDERED ONE HOUSEHOLD** even if they purchase food and prepare food separately unless ineligible per policy on Pages 6 - 9 of this manual section.
 - a. Spouses residing together unless otherwise excluded (e.g., ineligible student, probation/parole violator, etc.). Spouses are included in the household when the spouse is in the household for any part of the month.

Example: Husband has a construction job taking him out of town during the week. He returns home on the weekends. He is required member of the household.

- b. Children under 22 years old living with their natural, adoptive or stepparents. Parents and children must be in one food stamp household even if the child under 22 years old has their own children or a spouse living with them.

Example: Joe is 55 years old and receives SSI. His 20 year old son, 23 year old daughter-in-law and two year old grandson live with him. They are all required to be one filing unit because the son is under 22 years old and living with his father. Joe's disability has no effect on separate household status.

Children living in more than one household during the month are considered a member of the household providing or is responsible to provide the majority of their meals in the month.

Example: Cindy has joint custody of her daughter, Emily. Emily's father picks her up from school at 3:30 p.m. on Fridays and returns her to Cindy's home Sunday at 8:00 p.m. Emily only eats dinner with her mother Monday through Thursday because the school provides both breakfast and lunch Monday-Friday. Emily is a required filing unit member in Cindy's food stamp case because Cindy is responsible to **provide** the majority of Emily's meals.

In joint custody cases when a child spends equal time with both parents, the OPA Case Manager must discuss its options with the household and allow Mom and Dad to choose what is more advantageous to them. They could alternate having children in one or the other's household monthly, every other month, quarterly, every six months, or yearly. If only one parent is applying for food stamp benefits, there is not an issue of alternating children in one or the other's household.

Example: If the divorce decree has a parenting plan, and stipulates that for the purpose of all State and Federal statutes that require designation of custody, the mom is designated as the parent when the children reside the majority of time in odd years. Dad is considered parent in even years. Even though the decree says the children are considered as residing the majority of the time with mom in odd years, the mom and dad continue to equally share physical custody. The OPA Case Manager must discuss its options with the household and allow Mom and Dad to choose what is more advantageous to them.

- c. Minors less than 18 years of age (excluding foster children) living under the parental control of an adult household member (FS 201-2).
- d. Boarders not paying an adequate amount for their food (FS 204-1). The thrifty food plan is used to define 'adequate amount'.

**REQUIRED
MEMBERS
INELIGIBLE FOR
FOOD STAMPS**

Disqualified individuals required in the filing unit but are not part of the assistance unit.

- 1. Individuals who fraudulently misrepresented identity or residence in order to receive multiple benefits at the same time; code 'DF' on the FS SEPA screen.

These individuals are ineligible to participate in the Food Stamp Program for 10 years for the first and second offenses, and permanently for the third offense.

- 2. Individuals convicted of trafficking food stamp benefits of \$500 or more; code 'DF' on FS SEPA.

These individuals are permanently disqualified from receiving food stamp benefits.

- 3. A fleeing fugitive felon includes an individual who is:
 - a. fleeing to avoid prosecution of a felony crime; code 'DQ' on FS SEPA; or,

- b. fleeing to avoid custody or confinement after a conviction for a crime or attempt to commit a crime. The crime must be a felony under the law from where the individual is fleeing; code 'DQ' on FS SEPA.

NOTE: An individual must have knowledge a warrant has been issued for his/her arrest to be considered 'fleeing'. If the OPA Case Manager determines during the application or recertification process an individual has a warrant out for their arrest, the OPA Case Manager must verify with the individual whether or not they have knowledge of the warrant.

NOTE: FNS in an agreement with the Office of Inspector General (OIG) established a program, Operation Talon, to share information regarding food stamp recipients in apprehending fugitive felons. A report is generated yearly each December that lists all matches of food stamp recipients with the federal list of fugitive felons.

OPA Case Managers are required to set an alert for the following month to take the appropriate negative action, establish an overpayment, and pursue an intentional program violation (if appropriate). No action should be taken in December to avoid alerting the felon that his or her whereabouts will be reported to law enforcement agencies. OPA Case Managers **should not** alert local authorities of the whereabouts of fugitive felons because a procedure has been developed to provide the information to the Office of Inspector General by Central Office staff.

4. Probation or parole violators of any age who violate a felony or misdemeanor condition of probation or parole imposed under federal or state law; code 'DQ' on FS SEPA.
5. Individuals convicted for felony possession, use, or distribution of illegal drugs after August 22, 1996; code 'DQ' on FS SEPA.

NOTE: Ineligibility under this provision is limited to convictions

based on behavior (possession, use, or distribution) that occurred after August 22, 1996.

EXCEPTION: The individual may be eligible to receive benefits if the individual is complying with the conditions of supervision or the sentence associated with the felony conviction has been discharged **and** if the person is actively participating in treatment, if required.

NOTE: The individual's probation/parole officer will be able to provide the information needed to determine the individual's status.

Form DPHHS-HCS-552, Request and Verification to Remove Disqualification for Benefits, is available to use as a tool to verify the individual's status. The form is not required. Other acceptable forms of verification is collateral contact with the probation/parole officer, written statement signed by probation/parole officer, court documentation verifying the sentence was discharged, etc.

NOTE: The household is only required to report a change in status at application and recertification.

6. Individuals found guilty of Intentional Program Violation (IPV) through the Administrative Disqualification Hearing process (FS 1505-1) or Prosecution for Fraud; code 'DF' on FS SEPA.

NOTE: If an individual is disqualified for a Food Stamp Program IPV, the Food Distribution Program on Indian Reservations (FDPIR) will honor the period of disqualification and will not certify these individuals for commodities. The Claims and Recoveries Unit send a monthly disqualification list to the FDPIR operators.

7. Individuals found guilty in federal, state or local court of trading food stamp benefits for controlled substances or vice-versa; code 'DF' on FS SEPA.

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They are ineligible to participate in the Food Stamp Program for 24 months for the first offense and permanently for the second offense.

8. Individuals found guilty in federal, state or local court of being involved in the sale or trade of firearms, ammunition or explosives for food stamp benefits or vice-versa; code 'DF' on FS SEPA.

They are permanently disqualified from receiving food stamp benefits.

9. Aliens not meeting the definition of an eligible alien (FS 301-2); code 'DS' on FS SEPA.
10. Individuals choosing not to provide a Social Security number (FS 303-1); code 'DS' on FS SEPA.
11. Individuals disqualified due to work registration disqualification (FS 703-1); code 'DQ' on FS SEPA; or ABAWD months used (FS 803-1); code 'DS' and DQN RSN code 'IS' on FS SEPA.

All expenses must be coded against individuals with an 'IN', 'DS', 'DQ' or 'DF' participation code on FS SEPA for the expense to be counted as a deduction.

**VERIFICATION
OF STATUS OF
3, 4, 5, 7 AND 8:**

An adult household member may verbally or in writing, under penalty of perjury, declare the status for each household member.

NOTE: If no adult household members will sign the Self Declaration of Status section on the application or recertification form and will not verbally answer questions regarding eligibility status, the application is denied.



If there is a change in a household member's Self Declaration of Status, the household is required to report it at recertification. If the OPA Case Manager discovers during the certification period an individual may meet one of the statuses described, the household must be notified of the OPA's knowledge of the information and must be given the opportunity to dispute the information via a 10-day request for information notice. If the household does not respond, the case is closed for failing to provide information necessary to determine household composition and eligibility and/or level of benefits. The OPA Case Manager must provide the household timely notice of adverse action.

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NOTE: Ineligibility under this provision is limited to convictions based on behavior (possession, use, or distribution) that occurred after August 22, 1996.

NOTE: **OPA Case Managers should not be seeking out information (e.g., initiating contact with law enforcement or parole officers, looking in newspapers, etc.) regarding drug felons or fleeing felons.**

An individual is disqualified as soon as the court enters a judgment even if a sentence will be imposed later or never imposed. If the judgment is guilty, the individual remains disqualified ('DQ') even if the sentence has been served. The status only changes if the conviction (FS 0-4), judgment, is expunged (removed from the individual's record) by court action.

NOTE: Individuals convicted for felony possession, use, or distribution of illegal drugs after August 22, 1996 may be eligible to receive benefits if the individual is complying with the conditions of supervision or the sentence associated with the felony conviction has been discharged **and** if the person is actively participating in treatment, if required.

NOTE: Ineligibility under this provision is limited to convictions based on behavior (possession, use, or distribution) that occurred after August 22, 1996.

If an individual was 'convicted' and through a court action the reference to the conviction was removed, the individual is no longer considered 'convicted' for food stamp purposes. The individual can reapply and be certified for food stamp benefits if otherwise eligible. A record is considered clear when there is no longer any mention of the conviction on the criminal record.

Any action taken against a minor in **youth court** cannot be considered a felony. A minor is only disqualified if treated as an adult and found guilty.

CHART OF REQUIRED FILING UNIT MEMBERS

<u>LIVING SITUATION</u>	<u>HOUSEHOLD COMPOSITION</u>
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<u>LIVING SITUATION</u>	<u>HOUSEHOLD COMPOSITION</u>
1. Parent(s) and child (under 22)	<p><u>Must be one household</u></p> <p>Parents and child under 22 are required in one household even if they purchase and prepare food separately.</p>
2. Parent(s) and child (22 or older)	<p>HH1: Parent and spouse</p> <p>HH2: Child</p> <p>This is only allowed if they purchase and prepare food separately.</p>
3. Parent(s) with their minor child and child 22 or older	<p>HH1: Parent(s) & minor child</p> <p>HH2: Child over 22</p> <p>This is only allowed if they purchase and prepare food separately.</p>
4. Adult siblings	<p>HH1: Adult sibling</p> <p>HH2: Other adult sibling</p> <p>This is only allowed if they purchase and prepare food separately.</p>
5. Permanently disabled elderly individual unable to prepare meals living with his spouse, their minor child and others who prepare meals for the disabled/elderly individual.	<p>HH1: Permanently disabled elderly person, spouse and child</p> <p>HH2: Others in household</p> <p>This is only allowed if the "others" in household (except spouse and minor child) do not have income over 165% of poverty level for HH size.</p>
6. Adult and 17 year old unrelated friend who is not paying rent to the adult.	<p><u>Must be one household</u></p> <p>The 17 year old is financially dependent on the adult, therefore is under <u>parental control</u>.</p>
7. Grandparent (acting like a parent in all aspects), 17 year old granddaughter, and great-grandchild (child of 17-year old).	<p><u>Must be one household</u></p> <p>The 17 year old is dependent on her grandparent. Therefore, she is under parental control even though she has a child of her own.</p>

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<u>LIVING SITUATION</u>	<u>HOUSEHOLD COMPOSITION</u>
8. Husband, wife and minor child. Husband committed and was convicted of a felony drug charge, after Aug. 22, 1996.	<p><u>Must be one household</u></p> <p>Code the wife and minor child 'IN' and code husband 'DQ' on FS SEPA. Policy requires his income and resources be counted even if they claim he is purchasing and preparing food separately.</p> <p>NOTE: The husband may be eligible to receive benefits if he is complying with the conditions of supervision or the sentence associated with the felony conviction has been discharged and he is actively participating in treatment, if required.</p>
9. Grandmother, grandmother's boyfriend, child over 22 years old and her minor child. Grandparent and grandparent's boyfriend claim to purchase and prepare food separate from the rest of the household.	<p>HH1: Child 22 years old and her minor child</p> <p>HH2: Grandparent and boyfriend</p> <p>If grandparent and grandparent's boyfriend purchase and prepare separate from each other, they could also be separate households for a total of three food stamp households in one residence.</p>

NOTE: One household in a living situation may apply for food stamp benefits without the second household applying for food stamp benefits (e.g., in living situation 9 above, the child over 22 and their child may apply and grandparent and boyfriend need not apply).

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